United Nations CEDAW/C/SR.1197

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
3 March 2014

English only

Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record of the 1197th meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 18 February 2014, at 10 a.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined fourth, fifth and sixth periodic reports of Iraq

* No summary records were issued for the 1195th or 1196th meetings.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.5106, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-41015 (E) 260214 030314

1441015

Please recycle

In the absence of Ms. Ameline, Ms. Neubauer, Vice-Chairperson, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined fourth, fifth and sixth periodic reports of Iraq (CEDAW/C/IRQ/4-6, CEDAW/C/IRQ/Q/4-6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Iraq took places at the Committee table.*

2. **Ms. Yaser** (Iraq), introducing the combined fourth, fifth and sixth periodic reports of Iraq (CEDAW/C/IRQ/4-6), said that there had been major developments since the submission of the State party's last report. Two new ministries, the Ministry of State for Women's Affairs and the Ministry of Human Rights, had been established, as well as the Directorate for Women's Welfare in the Ministry of Labour and Social Affairs and the Directorate for Protection of the Family in the Ministry of the Interior. In addition, gender equity units had been set up in all ministries and government institutions. A number of shelters had been created for female victims of trafficking in Baghdad and for victims of violence in the Kurdistan Region, as had special investigation units in courts that handled domestic violence cases or human rights violations. Early in 2014 the Government had also established a special court in Baghdad to deal with human rights violations.

3. Significant progress had been made in promoting and protecting women's rights through legislation and a range of national and regional government mechanisms, including programmes to combat violence against women and a national action plan for the implementation of United Nations Security Council resolution 1325 (2000). Gender mainstreaming was an integral part of the country's administrative reform programme.

4. Iraq had adopted a new Constitution in 2005 which provided guarantees for the implementation of all international instruments to which Iraq was party. A national committee had been established in 2012 to oversee the harmonization of national legislation with those international conventions

5. Article 14 of the Constitution upheld the principle that all people were equal before the law, without discrimination on the basis of race, gender, religion or ethnicity, and that principle was an integral part of all its legislation other than those laws in which religious considerations dictated otherwise. Accordingly, the Government was proposing to amend a number of laws in line with article 14, including the Minors Welfare Act, the Labour Code and the Personal Status Act, and the Regional Government of Kurdistan had succeeded in introducing such amendments into its Personal Status Act and Criminal Code. In 2012, Iraq had withdrawn its reservation to article 9 of the Convention regarding the right of Iraqi women to pass on their nationality to their children.

6. Iraqi women had made great strides in terms of their political rights, representation and participation. The 2005 Constitution had introduced a quota for the minimum number of seats to be held by women in the national legislature, and the percentage of women in parliament had risen from 10.8 per cent in 1990 to 27.3 per cent in 2005; the Kurdistan Regional Government had set its minimum quota at 30 per cent. Measures had been adopted to encourage women to take part in the parliamentary elections scheduled for April 2014, and some 2,500 women candidates had submitted their names thus far. The number of women in the judiciary had also increased markedly.

7. Public education was free of charge at all levels in Iraq and was open to all. Nonetheless, war, the embargo imposed on Iraq by the United Nations Security Council,

internal and external displacement, and ongoing terrorist activities in certain regions had led to a drop in enrolment, especially in the case of female students, but the Government had introduced various initiatives to improve the situation. Girls had achieved consistently higher grades than boys at the baccalaureate level for the past four years, and women had made major strides in reaching leadership positions in education. As one example, Iraq had recently appointed its first-ever female university chancellor.

8. A deterioration in the nation's health indicators had been seen in recent decades as a consequence of war, the embargo and the destruction of infrastructure, all of which had led to a decline in the country's human and financial resources and in the population's income levels, as well as to environmental degradation. Those factors had been reflected in higher mortality rates and a deterioration in health-care services. A special plan had been developed, however, that focused on meeting immediate health needs and improving primary health care and reproductive health services, and mortality rates had already begun to drop as a result. One area of particular concern was the sharp increase in the number of cancer cases among women and children; various measures had been adopted in order to address that problem, including the establishment of an advanced cancer treatment facility for women and children in the Kurdistan Region.

9. The most severe form of violence against women had been the armed violence that had occurred following the events of 2003 and the violence they had suffered since then as a result of terrorist-related activities. The situation had improved significantly, but renewed activity on the part of Al-Qaida had raised fears that armed violence would increase once again.

10. All Iraqis enjoyed the rights and obligations set forth in the Personal Status Act, including non-Muslim women. Women in Iraq were sometimes the victims of domestic violence; in other cases they were subject to intimidation or forced displacement owing to terrorist activities. The Government was striving to protect all members of Iraqi society from violence.

11. As a result of past military conflicts and terrorist activities, the number of widows had skyrocketed. Those vulnerable women and their children, in addition to other vulnerable groups such as the 60,000 divorcees in Iraq and women with disabilities, received government financial assistance. Immigrant and internally displaced women and families also received financial support and assistance in returning to their homes and recovering their confiscated property and identity documents.

12. Women and men enjoyed equal employment opportunities and equal pay in the public sector, and the same unemployment benefits were available to both sexes. In rural areas, an interest-free loan scheme for agricultural projects was available to both men and women, together with a wide range of training programmes. Challenges remained in the private sector, however, which lacked a national health insurance scheme and minimum wage laws.

13. The Iraqi Government and the Kurdistan Regional Government had been working hard since 2003 to improve the situation of women in Iraq at all levels of society. Many challenges remained, but Iraq was committed to ensuring, as a matter of priority, that all women fully enjoyed their rights under the Convention.

14. *A digital slide presentation was given on the achievements of Iraqi women since 2003.*

15. **Ms. Patten** said that she was concerned by the perception that the Government had failed to support the creation of democratic, accountable security and judicial institutions and that an unbalanced approach to the protection of the population had dimmed the nation's long-term security prospects. What specific steps were being taken to reconstruct

the judicial system and to refurbish vital infrastructure? Had the Council of Judges been reinstated? She would also like to know whether systems were in place to train and accredit judges and to provide women with legal and other forms of assistance in order to ensure that they had access to justice.

16. There were concerns about the existence of discriminatory laws, gaps in the legislative framework and contradictions in the Constitution, such as the inconsistency between articles 14 and 41. What factors were slowing the pace of the legal process involved in repealing discriminatory provisions in the Criminal Code, including articles 41, 128 and 377, and in the Code of Criminal Procedure? What infrastructure would be needed for the implementation of the national action plan on United Nations Security Council resolution 1325 (2000)? She would appreciate further information on the provisions that were in place to ensure that the action plan would be implemented at the federal, regional and district levels and to ensure that it would be integrated into local planning processes. Which government agency would be coordinating, monitoring and evaluating implementation efforts at the central and regional levels? She wished to know whether additional funds would be made available to all the ministries concerned, above and beyond their regular budget. She would be interested in hearing the delegation's comments on reports received by the Committee that indicated that the national action plan failed to make specific provision for women's participation in the national reconciliation process.

17. She would appreciate information on the action being taken to protect the human rights of internally displaced persons and refugees, particularly women and children, and to provide them with durable solutions. She would like to know how the Government was addressing the specific needs of the different groups of internally displaced and refugee women, including women subjected to multiple and intersecting forms of discrimination, such as rural women, elderly women, widows and women with disabilities. What measures were being adopted to promote those women's meaningful inclusion and participation in decision-making processes?

18. **Ms. Haidar** said that, while the Committee welcomed the adoption of the 2005 Constitution, it remained concerned about the fact that article 41 contradicted article 14 and could lead to religious and gender-based discrimination. What type of guidance had been provided by the Ministry of State for Women's Affairs and the Government in general with respect to the interpretation of article 41 and what steps would be taken to address the inconsistency? Was the possibility of suspending the article being considered? Article 41 had paved the way for the submission of a bill on the establishment of *Ja'fari* courts. The passage of such a bill would be in flagrant contravention of the Convention, especially with respect to the age of marriage set for women and the practice of entering into "temporary marriages". Consideration of that bill by parliament had been postponed because of the upcoming elections, but the Committee was concerned that it might be considered following the elections.

19. **Ms. Ameline** said that she welcomed the plan of action developed by the State party for the implementation of Security Council resolution 1325 (2000). That plan should also take into account the relevant provisions of the Convention. She would be interested to learn whether the State party had a mechanism for coordinating the Government's efforts with those of the various international organizations and agencies involved in the implementation process, in particular UN-Women and the United Nations Development Programme (UNDP), with a view to ensuring that the goals of the national plan were clearly defined and that firm deadlines were set for reaching them.

20. Discrimination against women in Iraq could be traced, in part, to the overall climate of insecurity in the country, to institutional, legislative and judicial shortcomings, and to the existence of traditional practices that were detrimental to women's rights. Given that state

of affairs, there was an urgent need to strengthen the rule of law in Iraq, which she considered to be one of the best ways to improve the situation of women in the country.

21. **Ms. Šimonović** said that she welcomed the withdrawal by the State party of its reservation to article 9 of the Convention. She would like to urge the State to withdraw its reservations to article 2, paragraphs (f) and (g), and article 16 of the Convention as well. The Committee considered those reservations to be impermissible on the grounds that they were contrary to the object and purpose of the Convention. The State party's reservation to article 2, paragraphs (f) and (g), was also contrary to article 14 of the Iraqi Constitution itself.

22. She wished to know when the General Secretariat of the Council of Ministers was expected to complete its task of harmonizing Iraqi laws with the provisions of the Convention. She would also like to know whether Iraq planned to ratify the Optional Protocol to the Convention.

23. **Ms. Pires** said that the national women's machinery in Iraq was faced with an enormous task when it came to formulating an effective response to the critical issues affecting Iraqi women in the many areas covered by the Convention. She would like to have detailed information on the mandate, functions and resources of the institutions that made up that machinery, in particular the Ministry of State for Women's Affairs. According to information before the Committee that Ministry was severely underfunded and understaffed. What was the status of the bill providing for the establishment of a full-fledged ministry on women and the family? She wished to know whether there was a timetable for the adoption of that bill and whether the Council was moving towards agreement on the mandate and functions of the proposed ministry. She would also like to know whether the bill provided for the allocation of sufficient financial and human resources to permit the ministry to discharge its functions properly and for the establishment of a national body that would coordinate with existing mechanisms at all levels in order to promote a common vision for the advancement of women.

24. As she understood it, the law providing for the establishment of the High Commission for Human Rights, which processed complaints from women, stipulated that women should make up no less than one third of the total number of its commissioners. Yet there were only four women on the Commission, instead of five. She would like to know the reason for that discrepancy.

25. She wished to know whether sufficient budgetary resources had been earmarked for the implementation of the strategies for the advancement of women that had been adopted at the national and regional levels. She would also like to know whether the national strategy for combating violence against women in the Kurdistan Region had been adopted and, if so, what progress had been made in its implementation. Were similar plans envisaged in other parts of the country?

26. **Ms. Malk Mahmood** (Iraq) said that applicants to the Judicial Institute had to pass a competitive exam, and entry was based exclusively on merit; gender was not a factor.

27. **Ms. Yaser** (Iraq) said that, as part of a pilot project supported by UNDP, the Higher Judicial Council had set up two legal help desks in Baghdad and one in Basra to provide free legal services to indigent Iraqi citizens. The General Secretariat of the Council of Ministers and the Citizenship Directorate had developed a programme to provide free legal services to men and women through legal clinics located across the country.

28. **Mr. Jasim** (Iraq), referring to the question as to whether articles 14 and 41 of the Iraqi Constitution were consistent with each other, said that the application of article 41, which had been intended to uphold the personal status rights of minority groups in keeping with the precepts of their religions, had been suspended.

29. **Ms. Yaser** (Iraq) said that the national plan of action for the implementation of Security Council resolution 1325 (2000) had been drawn up in cooperation with the High Council for Women's Affairs of the Kurdistan Region. The plan of action was part of a broader strategy for the advancement of women in Iraq. The General Secretariat of the Council of Ministers, the Ministry of State for Women's Affairs and the High Council for Women's Affairs of the Kurdistan Region were the three bodies tasked with overseeing the implementation of the plan. Once the plan of action had been adopted, she would ensure that the Committee received a copy.

30. **Mr. Al Musawy** (Iraq), providing an overview of statistics on the number of displaced families in Iraq, said that the Government was supplying funding for efforts to protect and assist internally displaced persons. In partnership with various international organizations, it offered three levels of assistance: initial emergency relief; health care, education and monetary assistance; and long-term solutions for return or resettlement. The country was hosting a growing number of Syrian refugees and returning Iraqi refugees from Syria, as well as Palestinian, Turkish and Iranian refugees.

31. **Ms. Yaser** (Iraq) said that the Council of Ministers had considered a bill on *Ja'fari* jurisprudence and personal status, but could not reach a consensus and had rejected it. The position of the Ministry of State for Women's Affairs had been that the bill contained provisions that contravened Personal Status Act No. 188 of 1959. The aim of article 41 of the Constitution, which had formed the basis for the *Ja'fari* bill, had been to uphold personal status rights, but the article was perceived by some as being discriminatory. Ultimately, what was needed was a law that guaranteed the personal status rights of all groups on a common basis: that of respect for human rights. The Council of Ministers was in favour of developing a comprehensive law that covered all religious groups and communities, including the proponents of the *Ja'fari* school of thought, and would be campaigning for such a law during the forthcoming general elections in April 2014. All stakeholders, including representatives of international organizations and civil society, would have an opportunity to express their views on the proposals.

32. In line with the general framework established in 2010 for the coordination of the work of the Government and United Nations entities operating in Iraq, an advisory body, under the supervision of the Council of Ministers, was responsible for assessing proposals for joint programmes. Public administrative reforms were to be carried out over a four-year period beginning in 2013 in such sectors as municipal governance, education, health, women's affairs and planning.

33. **Ms. Al-Barrak** (Iraq) said that the Ministry of Human Rights and the Ministry of State for Women's Affairs were working together to draft amendments to national laws in order to bring them into line with article 14 of the Constitution and to lay the groundwork for the withdrawal of the reservations to the Convention that had been entered by Iraq. As far as the reservation to article 16 of the Convention was concerned, it should be noted that the Personal Status Act No. 188, which was based on the Islamic sharia, did not contravene the Convention. The reservation to article 29, paragraph 1, of the Convention reflected the fact that Iraq had taken a clear stance in according precedence to the sovereignty of the Republic of Iraq.

34. **Mr. Zamil Saeed** (Iraq) said that a national committee had been established in 2014 to monitor the implementation of international treaties to which Iraq was party. It had also been given the task of harmonizing national legislation with international treaties by recommending, where necessary, either the amendment of an existing provision or the enactment of a new law. The committee held monthly meetings and reported biannually to the Council of Ministers.

35. **Ms. Yaser** (Iraq) said that, after lengthy negotiations and consultations, the national strategy to combat violence against women had been approved by both the federal Government and the Kurdistan Region. The strategy was implemented independently in the Region, which had its own mechanisms for that purpose.

36. **Ms. Bareiro-Bobadilla** said that she had noted that the State party had not responded to all the questions raised by the Committee in its list of issues and she would appreciate information on the measures taken to enhance women's participation in education and employment. The delegation might wish to refer to the Committee's general recommendation No. 25 on special temporary measures, which were an effective means of bolstering non-discrimination policies and moving towards legal and substantive gender equality.

37. Did the State party plan to draft special legislation and earmark resources to support vulnerable groups of women? She wished to know whether the Government intended to increase women's access to credit, what sorts of scholarships were available for low-income women from minority groups, how violence against women was prevented, and whether the public sector made an effort to attract and promote women employees.

38. **Ms. Ameline** said that the absence of legislation on violence against women meant that the legal foundation for the application of the Convention was incomplete. She wished to know whether the issue of violence against women was a priority in Iraq and what action the Government was taking to address, in particular, the problems of female genital mutilation, early and forced marriage, and domestic violence. Further information on the situation regarding religious and traditional rights would also be appreciated.

39. **Ms. Gabr** said she would like clarification on the number of honour killings committed in Iraq, since different government bodies had provided different figures. She was aware that, under certain legal provisions, perpetrators of honour killings could escape punishment and she wished to know what changes would be made in order to ensure that perpetrators of such killings were brought to justice. She would be interested to know whether the delegation thought that school curricula should be changed in order to counter negative stereotypes and how the question of the portrayal of women in the media was being addressed. What was being done to improve women's status in society?

40. **Ms. Hayashi** said that she would appreciate clarification as to how many women had been convicted on charges of adultery or prostitution, how many women had been sentenced to death in recent years and how many of those sentences had been carried out. Information before the Committee indicated that women prisoners were often subjected to ill-treatment, and she therefore wished to know whether such women could lodge complaints with the court that specialized in human rights violations and whether any court cases had been initiated on the basis of women prisoners' complaints.

41. **Ms. Šimonović** said that she would like more information on the domestic violence bill mentioned in the State party's replies to the list of issues (CEDAW/C/IRQ/Q/4-6/Add.1). How was domestic violence defined in the bill and what punishments for offenders did it provide for? Further information on shelters for victims of violence would also be appreciated.

42. **Ms. Gabr** said that legislation on trafficking in persons needed to be fully enforced in order to be effective, and she was concerned about the use of marriage as a means of trafficking women or forcing them into prostitution. She would like to know how women victims of trafficking were rehabilitated and whether the police, the staff of the prosecution service and judges received training on how to deal with trafficking victims.

43. **Ms. Leinarte** said that she would like to know whether prostitution and trafficking for the purposes of sexual exploitation were addressed under the same article of the

Criminal Code, as there seemed to be some confusion in the report over the use of the two terms. She wished to know whether there were programmes to support women who wished to leave prostitution; there was a particular need for such support, since women were often pushed into prostitution by socioeconomic factors, and women in vulnerable positions, such as war widows and displaced women, were particularly at risk of being obliged to engage in prostitution. She wished to know whether data were available on the number of women who had been prosecuted and imprisoned for prostitution. How many women who had formerly been incarcerated on prostitution charges lived in the "special homes" referred to in the report and what purpose did those special homes serve? Was the State party considering the possibility of addressing the problem of prostitution by means other than its criminalization?

44. **Ms. Mahdi Muhsin** (Iraq) said that legislation enacted in 2013 had more than doubled the wages of unskilled labourers. There were a number of institutions that helped vulnerable women, including widows, divorced women and women with disabilities, by providing them with pensions, assisting with the allocation of land, providing identity papers and so forth; the budgets of those agencies had been increased in recent years.

45. **Ms. Yaser** (Iraq) said that credit was extended to men and women on an equal basis, without discrimination. A new institution provided financial assistance to women studying at the undergraduate and postgraduate levels and to women attending literacy centres. The bill on domestic violence had been submitted to the Ministry of Justice for consideration.

46. **Mr. Jasim** (Iraq) said that there was indeed a gap between law and practice in relation to domestic violence. Extensive research on the matter had included a consideration of model laws from other countries. The resulting bill was based on the definition of discrimination against women set out in article 1 of the Convention. Issues addressed in the bill included the establishment of shelters for women, increased penalties for perpetrators of domestic violence, the introduction of temporary protection orders and the establishment of special protection units at every level of government.

47. **Mr. Rasheed** (Iraq) said that the Kurdistan Region was committed to advancing the rights of women and children. Domestic Violence Act No. 8 of 2011 defined a wide range of actions as domestic violence, including forced or early marriage, a husband forcing his wife to become a prostitute, female genital mutilation, forcing children to abandon their education to work or beg, beatings, insults, psychological pressure and intimidation. The penalty for domestic violence was a prison sentence ranging from 6 months to 3 years, with additional penalties for medical professionals who practised female genital mutilation and for persons who subjected a minor to such mutilation.

48. **Ms. Zangana** (Iraq) said that the Kurdistan Region had experienced some difficulties in enforcing the Domestic Violence Act because the idea of prohibiting domestic violence and taking action to put a stop to it was still quite new in many parts of Iraqi society. Nonetheless, the reconciliation committees established in accordance with that law processed approximately 40 cases per week. Those committees decided whether to attempt family mediation or to refer the case to the courts.

49. **Ms. Yaser** (Iraq) said that the levels of violence experienced by Iraqi women had fallen since 2008 thanks to increased stability in the country. The security of all members of society was a priority, and the Government was working hard to ensure the population's safety.

50. **Ms. Mohammed** (Iraq) said that many women had undergone female genital mutilation in the Kurdistan Region in the past, but the practice was on the decline. Women and schoolgirls had been made aware of the health risks of female genital mutilation and, for the most part, the practice continued only in remote areas. The health of women and girls who had undergone the practice was monitored, health professionals were trained on

how to deal with them, and seminars were held to raise awareness about the adverse effects of the practice. Approximately 10 per cent of the women and girls seen by health practitioners had undergone genital mutilation.

51. **Mr. Rasheed** (Iraq) said that, under the law adopted in the Kurdistan Region, no mitigating circumstances were applicable in cases where a woman had been murdered. The provisions on honour killings contained in the Iraqi Criminal Code had been suspended, and such killings were therefore treated in the same way as other murders.

52. **Mr. Jasim** (Iraq) said that a bill was being drafted in consultation with religious and women's organizations that would amend various laws by removing any reference to "honour crimes".

53. **Ms. Malk Mahmood** (Iraq) said that women who had been convicted of prostitution were sent to special homes in order to assist them to reintegrate themselves into society. A woman convicted of prostitution could be released if her spouse, guardian or family agreed to ensure that she would be rehabilitated, if the court would oversee her rehabilitation or if she married and it was clear that the marriage was not contracted with the aim of avoiding punishment under the law. No additional statistics on domestic violence were available at the moment.

54. **Ms. Yaser** (Iraq) said that a committee that had been established in 2013 to review prison conditions and practices had submitted recommendations to the General Secretariat of the Council of Ministers for improving the situation. It had recommended the establishment of special female police forces and rehabilitation and training centres for women prisoners. The Ministry of Justice received prisoners' complaints and interviewed the women involved in the presence of a psychologist. She knew of at least one case where a complaint had been forwarded to the Council of Ministers and legal measures had been taken as a result.

55. **Mr. Al-Tamimi** (Iraq) said that a special protection unit designed to prevent the abuse of women and children had been set up and was active throughout the country. A database had been introduced for use in the preparation of reports on domestic violence. The protection unit had received and processed 209 complaints of domestic violence in 2011.

56. **Ms. Yaser** (Iraq) said that there were four shelters for women victims of violence in the country and one shelter for victims of human trafficking in Baghdad. She could assure the Committee that prostitution and human trafficking for the purposes of sexual exploitation were regulated by separate laws and that there was no confusion between the two.

57. **Ms. Zangana** (Iraq) said that there were also four shelters for women in the Kurdistan Region which provided legal aid, training and psychological rehabilitation services.

58. **Ms. Dano** (Iraq) said that her country had signed the Trafficking in Persons Protocol and had adopted a law on trafficking in persons in 2012. A national anti-trafficking mechanism with regional offices had been established, and instructions on enforcement of the new law had been issued. Trafficking victims received psychological and physical testing, care and rehabilitation services. Victims were also matched up with job opportunities to promote their reintegration into society. The penalties for trafficking in persons included imprisonment and fines.

59. **Ms. Al-Barrak** (Iraq) said that 5 women prisoners were executed in 2012. In total, between 2005 and 2012, 13 women who had been sentenced to death had been executed.

The meeting rose at 1 p.m.